

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CLINT PHILLIPS, III,

Plaintiff,

v.

M. DUNN, et al.,

Defendants.

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No. 4:16-CV-1698 RWS

MEMORANDUM AND ORDER

Plaintiff seeks leave to proceed in forma pauperis in this civil action under 42 U.S.C. § 1983. The motion is granted.

Standard of Review

Under 28 U.S.C. § 1915(e), the Court is required to dismiss a complaint filed in forma pauperis if it is frivolous, malicious, or fails to state a claim upon which relief can be granted. To state a claim for relief under § 1983, a complaint must plead more than “legal conclusions” and “[t]hreadbare recitals of the elements of a cause of action [that are] supported by mere conclusory statements.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). A plaintiff must demonstrate a plausible claim for relief, which is more than a “mere possibility of misconduct.” *Id.* at 679. “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* at 678. Determining whether a complaint states a plausible claim for relief is a context-specific task that requires the reviewing court to draw on its judicial experience and common sense. *Id.* at 679.

The Complaint

Plaintiff sues police officer M. Dunn and the City of Bellefontaine Neighbors. In May 2016, at about two o'clock in the morning, plaintiff knocked on a neighbor's door, had a discussion, and left. Subsequently, he was questioned by several officers with regard to a suspected burglary that occurred in the immediate area. He says he cooperated and answered all of their questions. They left, and defendant Dunn returned a few minutes later.

Dunn took plaintiff to the police station and detained him for six or seven hours, until about nine o'clock in the morning. Plaintiff says Dunn had no probable cause for the detention.

Plaintiff says that the practice of unlawful detentions "is so widespread by the City of Bellefontaine Neighbors . . . that it has the force of policy and is one of their customs."

Discussion


The Court finds that this action should not be dismissed at this time. As a result, it will order the Clerk to serve defendants with process.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [ECF No. 2] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk is directed to issue process on the complaint.

Dated this 12th day of December, 2016.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE